Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 12-19-11	Bureau/Station/Facility: Office of Homeland Security / Transit Services Bureau	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 011-06375-6891-013	Date: 12-17-11	Time: 0457
City or Station: City of Los Angeles	Nature of Incident: Suspect Rodriguez was shot after he pointed a handgun at Deputy Delao.	
Location: [redacted]		

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, (Street) — circled
Other: ____________

Lighting (*circle only one*): Darkness, Daylight, Other, (Street Lights) — circled

Weather (*circle only one*): Clear, (Cloudy) — circled, Fog, Rain

Distance: 65 feet

Incident Type (*circle one or more*): Accidental, (Armed Person) — circled, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot
Other: ____________

Initiated by (*circle only one*): Arrest Warrant, Call, (Observation) — circled, (One Person Unit) — circled, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, (Routine Patrol) — circled

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
3	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
N/A				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	-	Captain, LA City Fire Dept. Station #1	Los Angeles	90031	213-485-6201	-
[redacted]	[redacted]	-	Firefighter, LA City Fire Dept. Station #1	Los Angeles	90031	213-485-6201	-
[redacted]	[redacted]	-	Firefighter, LA City Fire Dept. Station #1	Los Angeles	90031	213-485-6201	-

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Yates	Clifford	W	(On Duty) — circled; Present during shooting; Witness to shooting; Involved in shooting
				On Duty; Present during shooting; Witness to shooting; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Jaen	Carlos	A

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Ibelle	Robby	R

PSTD Use Only
SH # ____________

Officer Involved Shooting

URN: 011-06375-6891-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
12-17-2011	0635		

Employee #	Last Name	First Name	M.I
[redacted]	Kim	Patrick	
[redacted]	Smeltzer	Chad	E
[redacted]	Ault	Alicia	E

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	FH	ZZ	9			NN	
E1	S1	FH	ZZ	9	Y	Y	DH	CH

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 011-06375-6891-013

Involved Employee

E 1

Field	Value
Employee #	[redacted]
Last Name	Delao
First Name	David
M.I.	J
Sex	M
Race	H
Rank	DSG
Unit Assignment	TSB
Work Assignment (Unit #, Module, etc.)	690B
ShiftTime (*circle only one*): EM PM Day	EM (circled)
ShiftType (*circle only one*): Regular Overtime Off Duty	Overtime (circled)
Intoxication/Drug Usage?	☐
Substance Used	N/A
Hospital Admission?	☐
Hospital Name	N/A
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	5-6
Duty Time (hrs)	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Uniform w/ Vest (circled)
Other Factors	
Age	49
Height	601
Weight	245
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	[redacted]
Number of Prior Shootings	[redacted]
Directed Force	[redacted]
Weapons Fired Brand	Sig Sauer
Caliber	9mm
# Shots	3
Weapons Fired Brand (2)	
Caliber (2)	
# Shots (2)	
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	

E__

Field	Value
Employee #	
Last Name	
First Name	
M.I.	
Sex	
Race	
Rank	
Unit Assignment	
Work Assignment (Unit #, Module, etc.)	
ShiftTime (*circle only one*): EM PM Day	
ShiftType (*circle only one*): Regular Overtime Off Duty	
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☐
Hrs of sleep prior to shooting	
Duty Time (hrs)	
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	
Other Factors	
Age	
Height	
Weight	
Range Qualification Date	
PPC Qualification Date	
Laser Training Date	
Certified with Weapon Used?	☐
Patrol Certification?	☐
Certification Unit	
Prior Shootings?	☐
Number of Prior Shootings	
Directed Force	☐
Weapons Fired Brand	
Caliber	
# Shots	
Weapons Fired Brand (2)	
Caliber (2)	
# Shots (2)	
Field Training Officer Emp #	
Last Name	
First Name	
M.I.	
Field Training Officer Emp #	
Last Name	
First Name	
M.I.	

E__

Field	Value
Employee #	
Last Name	
First Name	
M.I.	
Sex	
Race	
Rank	
Unit Assignment	
Work Assignment (Unit #, Module, etc.)	
ShiftTime (*circle only one*): EM PM Day	
ShiftType (*circle only one*): Regular Overtime Off Duty	
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☐
Hrs of sleep prior to shooting	
Duty Time (hrs)	
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	
Other Factors	
Age	
Height	
Weight	
Range Qualification Date	
PPC Qualification Date	
Laser Training Date	
Certified with Weapon Used?	☐
Patrol Certification?	☐
Certification Unit	
Prior Shootings?	☐
Number of Prior Shootings	
Directed Force	☐
Weapons Fired Brand	
Caliber	
# Shots	
Weapons Fired Brand (2)	
Caliber (2)	
# Shots (2)	
Field Training Officer Emp #	
Last Name	
First Name	
M.I.	
Field Training Officer Emp #	
Last Name	
First Name	
M.I.	

See Other Side

Officer Involved Shooting
Suspect Information

URN: 011-06375-6891-013

Suspect Information

S 1

Field	Value
Last Name	Rodriguez, Jr.
First Name	Roberto
M.I.	
AKA Last Name	N/A
First Name	
M.I.	
Sex	M
Race	H
Street Address	[redacted]
City	[redacted]
State & Zip Code	[redacted]
Work Phone	N/A
Home Phone	N/A
Social Security #	[redacted]
Driver's License #	[redacted]
Age	32
D.O.B.	10-25-1979
Height	507
Weight	170
FBI #	[redacted]
CII #	[redacted]
Booking #	N/A
Primary Charge	Deceased
Secondary Charge	N/A
Coroner Case?	☒
Coroner Case #	2011-08234
Intoxication/Drug Usage?	☒
Substance Used	Methamphetamine
Armed?	☒
Apprehended?	☒
Mental Illness?	☐
Criminal History?	☒
Vehicle Make	N/A
Model	
Year	

S__

Field	Value
Last Name	
First Name	
M.I.	
AKA Last Name	
First Name	
M.I.	
Sex	
Race	
Street Address	
City	
State & Zip Code	
Work Phone	
Home Phone	
Social Security #	
Driver's License #	
Age	
D.O.B.	
Height	
Weight	
FBI #	
CII #	
Booking #	
Primary Charge	
Secondary Charge	
Coroner Case?	☐
Coroner Case #	
Intoxication/Drug Usage?	☐
Substance Used	
Armed?	☐
Apprehended?	☐
Mental Illness?	☐
Criminal History?	☐
Vehicle Make	
Model	
Year	

S__

Field	Value
Last Name	
First Name	
M.I.	
AKA Last Name	
First Name	
M.I.	
Sex	
Race	
Street Address	
City	
State & Zip Code	
Work Phone	
Home Phone	
Social Security #	
Driver's License #	
Age	
D.O.B.	
Height	
Weight	
FBI #	
CII #	
Booking #	
Primary Charge	
Secondary Charge	
Coroner Case?	☐
Coroner Case #	
Intoxication/Drug Usage?	☐
Substance Used	
Armed?	☐
Apprehended?	☐
Mental Illness?	☐
Criminal History?	☐
Vehicle Make	
Model	
Year	

S__

Field	Value
Last Name	
First Name	
M.I.	
AKA Last Name	
First Name	
M.I.	
Sex	
Race	
Street Address	
City	
State & Zip Code	
Work Phone	
Home Phone	
Social Security #	
Driver's License #	
Age	
D.O.B.	
Height	
Weight	
FBI #	
CII #	
Booking #	
Primary Charge	
Secondary Charge	
Coroner Case?	☐
Coroner Case #	
Intoxication/Drug Usage?	☐
Substance Used	
Armed?	☐
Apprehended?	☐
Mental Illness?	☐
Criminal History?	☐
Vehicle Make	
Model	
Year	

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
			Firefighter, LA City Fire Dept. Station #1	90031	213-485-6201	
			Firefighter/Paramedic, LA City Fire Dept. Station #1	90031	213-485-6201	
			Firefighter, LA City Fire Dept. Station #1	90031	213-485-6201	
			Firefighter/Paramedic, LA City Fire Dept. Station #1	90031	213-485-6201	
			Engineer, LA City Fire Dept. Station #1	90031	213-485-6201	

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED HIT SHOOTING
SH# 2303242
URN 011-06375-6891-013

DATE / TIME / LOCATION

Saturday, December 17, 2011
0457 hours
[redacted], [redacted]

Deputy Delao was driving a patrol car in a one-man unit (Unit 690B) traveling eastbound on Solano Avenue in the city of Los Angeles, when he came upon fire trucks which were stopped facing westbound in the eastbound lanes. Deputy Delao approached the fire trucks and was waiting for a firefighter to waive him through the area, in order to continue to his destination. A firefighter approached the passenger side window of Deputy Delao's patrol vehicle and advised Deputy Delao, there was a male with a gun at the location.

Deputy Delao exited his patrol car as he saw several firefighters running toward his vehicle. A firefighter pointed out the suspect as Deputy Delao activated his emergency trigger on his portable radio. Deputy Delao used a fire truck for cover as he looked for the suspect. Deputy Delao spotted the armed suspect and saw the suspect was holding a handgun with both hands, in a low ready position. The suspect appeared to be scanning the area. Deputy Delao ordered the suspect to drop the gun. The suspect was standing at the opposite end of the fire truck where Deputy Delao had been taking cover. The suspect looked in Deputy Delao's direction and pointed the gun at Deputy Delao.

Deputy Delao fired two rounds at the suspect. The suspect fell to the ground and immediately began rolling to his side, apparently looking for Deputy Delao. Deputy Delao feared the suspect was looking for him and believed the suspect was preparing to take aim again, at which time Deputy Delao fired a third round, neutralizing the suspect.

After neutralizing the suspect, Deputy Delao requested assistance via his portable radio and advised he had been involved in a shooting. Deputy Delao repositioned himself using cover and awaited assisting units. Assisting units arrived and assisted Deputy Delao in handcuffing the suspect. Los Angeles City Firefighters/Paramedics, who were already on scene, treated the suspect for his injuries. The suspect was transported via ambulance to LA-USC Medical Center where he was pronounced dead.

The incident was documented on a Sheriff's crime report, under file number 011-06375-6891-013. The investigation was handled by Sheriff's Homicide detectives.

Internal Affairs Bureau Lieutenant Alicia Ault (now Captain) was notified. She along with Sergeant Patrick Kim and Sergeant Chad Smeltzer responded to the location to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses and Deputy Delao.

> **IAB NOTE:** On November 14, 2012, the Los Angeles County District Attorney's Office, Justice System Integrity Division, issued their letter of opinion regarding this shooting incident. The letter concludes with the statement, "We conclude that Deputy Delao acted in lawful self-defense and defense of others when he used deadly force against Roberto Rodriguez. We are therefore closing our file and will take no further action in this manner."

IAB SHOOTING / FORCE TEAM

Lieutenant Alicia Ault, Sergeant Patrick Kim and Sergeant Chad Smeltzer.

INVOLVED PERSONNEL

Delao, David, Deputy # MH/49 601 / 245 Right handed
Homeland Security Division – Transit Services Bureau
Date of Employment: 11-8-94
Date Assigned to Patrol: 11-1-97
Date Completed Patrol Training:

Date of Range Qualification:
Prior Shooting Incidents:
Prior Founded Force Incidents:

SUSPECT

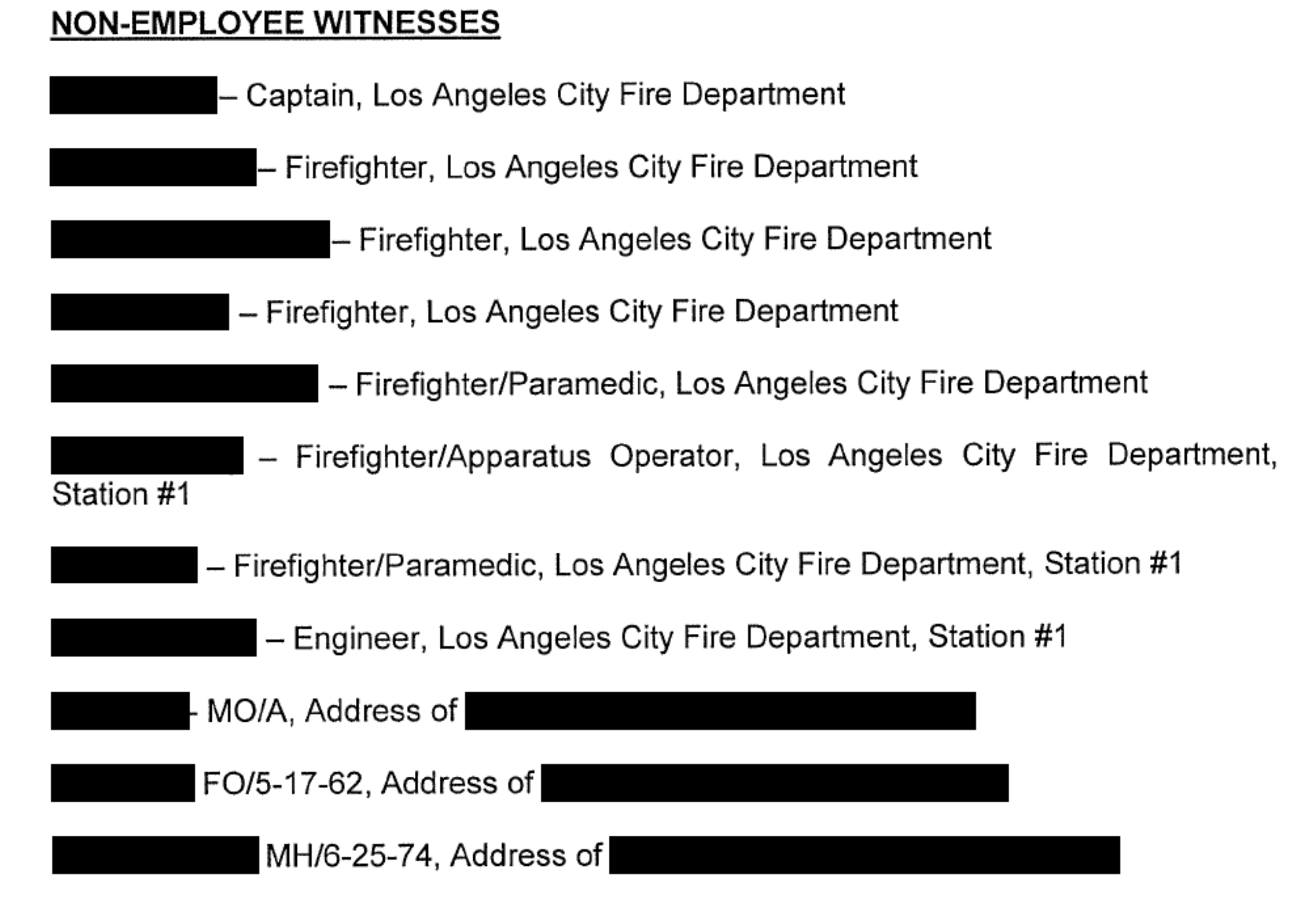
Rodriguez Jr., Roberto MH/32 DOB 10-25-1979 507/170

The Consolidated Criminal History System reveals Suspect Rodriguez had

> **IAB NOTE:** Suspect Rodriguez' Criminal History Report is included in this case book. See **Exhibit C**.

EMPLOYEE WITNESSES

None



NON-EMPLOYEE WITNESSES

– Captain, Los Angeles City Fire Department

– Firefighter, Los Angeles City Fire Department

– Firefighter, Los Angeles City Fire Department

– Firefighter, Los Angeles City Fire Department

– Firefighter/Paramedic, Los Angeles City Fire Department

– Firefighter/Apparatus Operator, Los Angeles City Fire Department, Station #1

– Firefighter/Paramedic, Los Angeles City Fire Department, Station #1

– Engineer, Los Angeles City Fire Department, Station #1

- MO/A, Address of

FO/5-17-62, Address of

MH/6-25-74, Address of

> **IAB NOTE:** Several of the neighboring houses were canvassed for additional witnesses. Several only heard the incident and were not eyewitnesses. Their statements are documented on several supplemental reports. See **Exhibit A**.

INJURIES

Suspect

Suspect Rodriguez sustained two gunshot wounds. He was treated at the scene by Los Angeles City Fire Department Paramedics, Station #1 under the direction of Captain Ponce. He was transported to LA-USC Medical Center via ambulance where he was pronounced dead on December 17, 2011 at 0522 hours. Suspect Rodriguez was assigned Los Angeles Coroner Case Number 2011-08234.

> **IAB NOTE:** The Coroner's Autopsy Report is included in this case book. See **Exhibit A, Pages 69-90**. According to the Toxicology report, Suspect Rodriguez had Amphetamine and Methamphetamine in his system at the time of his death.

Deputy Personnel

None

PHYSICAL EVIDENCE

Several items of evidence were collected by the staff from Scientific Services Bureau. The suspect's firearm was amongst the items recovered and collected as evidence.

> **IAB NOTE:** A Sketch of the crime scene and evidence legend is included in this case book. See **Exhibit D**. Photographs of the scene are also included. See **Exhibit E**.

DISTANCE

Approximately 65 feet.

INVESTIGATOR OBSERVATIONS

The Internal Affairs Bureau investigators arrived at the scene approximately two hours after the incident had occurred and conducted a walk-through of the crime scene. There was nothing significant beyond what was reported and documented by both Homicide detectives and Sheriff's Crime Lab personnel.

REVIEW OF RADIO TRANSMISSIONS

The Internal Affairs Investigator obtained a copy of the radio transmissions from the Sheriff's Communications Center (SCC). The following is a summary of the emergency radio transmissions.

At 0457 hours, an SCC dispatcher advises Unit 690B activated his emergency trigger and requests his status. There is a short moment of silence (approximately 14 seconds) at which time, Unit 690B requests 10-33 (emergency clearance) and requests the patch. Unit 690B advises of a deputy involved shooting at Solano and Broadway. As additional Sheriff Units were responding, Deputy Delao advised, the suspect was down and that he had LAPD Officers on scene. Additionally, Deputy Delao advised over the patch, the suspect had the gun underneath his body. Three field sergeants (690AS1, 640S, 650S) advised SCC they were responding along with several TSB units. Shortly after numerous units arriving, a deputy (690A) is heard advising the situation was "Code-4." The deputy additionally advised, 902R (fire department) was already on scene.

> **IAB NOTE:** The time span, according to the TSB dispatch audio obtained from SCC, was fourteen seconds between the time SCC advised of 690B's emergency trigger activation and the time 690B requested 10-33 clearance. A compact disc containing a recording of the radio traffic is included in this case book. The emergency radio traffic begins at 00:08 of the "Windows Media Player" file titled "TSB Dispatch." See **Exhibit F**.

LIGHTING AND WEATHER CONDITIONS

It was dark out with minimal ambient lighting when the incident occurred (0457 hours).

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Delao:

Service Weapon Type:	Sig Sauer Handgun, Model P226, Elite, 9mm, Serial # [redacted], semi automatic, with attached Streamlight TLR-1
Rounds Fired:	Three
Type of Ammunition Used:	WIN 9mm Luger
Date Employee Last Qualified:	December 8, 2011

> **IAB NOTE-** An examination of Deputy Delao's firearm by Homicide Bureau investigators indicated he had shot a total of three rounds. Three expended 9mm casings were recovered at the scene. See **Exhibit A**.

WEAPONS USED BY SUSPECT

Suspect Rodriguez was in possession of a "HI-Point," Model C9, 9mm, Serial # [redacted], Black, semi automatic handgun. The firearm was loaded with a black magazine containing eight live 9mm bullets. No bullets were found in the chamber of the weapon. The firearm was recovered from the street where the suspect had been.

> **IAB NOTE:** Photographs of the suspect's firearm are included in this case book. See **Exhibits G**.

PROPERTY DAMAGE

A Los Angeles City Fire Department truck, number 60682, license number [redacted], was parked in the middle of the street facing west in front of [redacted] Solano Avenue. The vehicle sustained a bullet strike to a reflective tape decal which was affixed to the cargo door. Only the reflective tape had been struck and peeled back. No damage was observed to the cargo metal door. The bullet ricocheted off the cargo door and impacted a white Mitsubishi Lancer, license number [redacted], parked at the curb in front of [redacted]

One bullet hole was observed in the front side of the left rear passenger door glass window channel of the Mitsubishi Lancer. The vehicle was parked east of the above described fire truck. The bullet's impact into the door window channel caused the left rear glass to shatter.

> **IAB NOTE:** Photographs of the above listed damage are included in this case book. See **Exhibit E**. A Sketch of the scene, which included the positions of the above listed vehicles is also included. See **Exhibit D**.

CRIMINAL INVESTIGATOR / CHARGES FILED

Investigators: Detectives Mitchell Robison # [redacted] and Richard Garcia # [redacted]
Homicide Bureau

Charges: Suspect deceased

INVOLVED EMPLOYEE STATEMENT

Involved Deputy David Delao was interviewed by Homicide Bureau Detectives, Mitchell Robison and Richard Garcia on December 17, 2011. The interview was digitally audio recorded. Deputy Delao was represented by his attorney Adam Marangell.

> **IAB NOTE:** The Homicide Bureau detectives summarized their interview with Deputy Delao in a supplemental report included in this case book. See **Exhibit B**. For the complete interview, refer to the transcripts which are included in this case book.

Involved Deputy David Delao was interviewed by Internal Affairs Bureau Sergeants Mark Reyes and Scott Graham on February 5, 2013, at 0943 hours. The interview was digitally audio recorded. The following is a summary of that interview. For full and complete details of the interview, refer to the transcripts which are included in this case book.

Deputy Delao was driving on Solano Avenue in the city of Los Angeles with intentions of driving through the area, when he came upon some fire trucks which were parked in the middle of the road.

> **IAB NOTE:** Deputy Delao was coming from [redacted] [redacted] and was on his way to [redacted].

A Firefighter waved at Deputy Delao which Deputy Delao believed he was waving him through. Deputy Delao continued driving when the firefighter stopped Deputy Delao and informed him of a man with a gun in a driveway at the location. Subsequently, Deputy Delao saw several firefighters running toward his patrol car as he heard another firefighter yell, "He's coming. He's got a gun!" Deputy Delao noted the firemen appeared to be in fear adding this was the first time in his career he had ever seen firemen running in fear.

Deputy Delao exited his patrol car and drew his handgun. Using his patrol car as cover he walked backwards toward the rear of the patrol car and positioned himself in front of a fire truck (ladder truck), using the fire truck for cover. The fire truck was parked in the east bound lanes, facing west.

Deputy Delao spotted the suspect walking in a northern direction from the sidewalk, onto the street. Deputy Delao saw the suspect was gripping a handgun with both hands. The suspect was pointing the handgun down toward the ground in a low ready position. The suspect appeared to be scanning the area as if he was looking for something.

Deputy Delao positioned himself closer to the fire truck and activated his emergency trigger on his portable radio. Deputy Delao activated his emergency trigger causing the Sheriff's Communications Center dispatcher to clear the air in an attempt to ascertain Deputy Delao's emergency status. Due to the rapidly evolving situation, Deputy Delao was unable to broadcast any information at that point, as he was focused on the suspect.

Deputy Delao shouted at the suspect to drop the gun (which he did not comply), and continued using the fire truck as cover, concealing himself using the fire truck as a barricade. He peered over, with his handgun pointed in an east direction toward the suspect. The suspect did not drop the gun; instead, he turned his body to the sound of Deputy Delao's voice and raised the handgun, pointing it at Deputy Delao.

Deputy Delao reacted to the threat and fired one round at the suspect. The first round did not appear to have an effect, as the suspect continued pointing the gun at Deputy Delao. Deputy Delao fired a second round (about one second from the first round). The second round appeared to have impacted the suspect. The suspect twisted his body, appearing to lose his balance and fell to the ground.

Deputy Delao could no longer see the gun, but believed the suspect was still armed. The suspect was lying on his right side with his head to the north and his feet to the south, with his arms tucked into his body, facing Deputy Delao. Deputy Delao believed the suspect was injured, but still trying to pinpoint his (Deputy Delao) location. The suspect was still holding his head up off the ground as if looking for Deputy Delao.

Deputy Delao believing the suspect was still armed and fearing the suspect was still looking for him, fired a third round. He described the third round as an intentional skip shot which he considered for concerns of his background which was a cross street (Broadway Street). The third shot appeared to have an immediate effect on the suspect, evident by the suspect turning onto his stomach and his head looking away from Deputy Delao. After the third shot, Deputy Delao immediately put out emergency radio traffic, using his portable radio, advising he had been involved in a shooting at his location.
Deputy Delao immediately repositioned himself, walking closer to the suspect, using the parked cars as cover. Deputy Delao continued covering the suspect with his handgun, as he approached. Deputy Delao said his purpose for getting closer was to close the distance in order to be in a better position to react to the suspect if he was to begin shooting. He wanted to be at a comfortable distance where he knew he could effectively react to any additional threats from the suspect.

Deputy Delao positioned himself behind the parked car directly south where the suspect had fallen.

> **IAB NOTE:** The above vehicle is a black Lexus, license number [redacted]. Photographs of the vehicle are included in this case book. See **Exhibit E**.

Deputy Delao did not approach to apprehend or contact the suspect without assisting units. It was a tactical mindset due to his [redacted] to shoot at closer distances. Deputy Delao's handgun was pointed in a northeasterly direction at the suspect as he waited for assisting units. This changed Deputy Delao's original back drop of Broadway Street which is where responding Los Angeles Police Department officers arrived from, within approximately one minute. Deputy Delao's background as he waited for assisting units was a fire truck.

> **IAB NOTE:** The above described fire truck #60682 is pictured in numerous photographs and crime lab sketches included in this case book. See **Exhibit E**.

Los Angeles Police officers and additional Los Angeles County Sheriff's deputies arrived at the location approximately three minutes later. Deputy Delao and assisting deputies approached the suspect tactically and handcuffed the suspect. A handgun was found on the ground underneath the suspect's torso. A shield was not utilized during the tactical approach of the suspect, as it was not available at that time.

> **IAB NOTE:** During the interview, Deputy Delao was shown a photograph (marked with a 1) and a crime lab sketch of the scene. He was asked to draw a stick figure on the sketch diagram to show the suspect's location, and a "D" to show his (Deputy Delao) location as he waited for assisting units. See **Exhibit H**.

Deputy Delao described the duration of the shooting from the first shot to his third as lasting maybe, approximately ten seconds. He said he used his sights to gain target acquisition on each of his three shots.

EMPLOYEE WITNESSES

None

CIVILIAN WITNESSES

Homicide detectives conducted several audio taped witness interviews from civilians and firefighters. Their summary of those interviews are included in this case book. See **Exhibit A, B and Homicide interview transcripts** for complete details.

SUSPECT'S STATEMENTS

None (deceased)